



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 16, 2012**

Invocation: Dr. Gordon S. Jones, Pastor, Alpha Seventh Day Adventist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 16, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:10 a.m.

Council Member Spelman was absent.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of July 31, 2012, budget work session of August 1, 2012, regular meeting of August 2, 2012 and work session of August 7, 2012.
The minutes from the City Council work session of July 31, 2012, budget work session of August 1, 2012, regular meeting of August 2, 2012 and work session of August 7, 2012 were approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
2. Authorize the negotiation and execution of all documents and instruments necessary or desirable for the fee simple acquisition of a 5.545-acre tract of land out of the 114.545 acres of land in the Santiago Del Valle Grant in Travis County, Texas, located on Bradshaw Road in Southeast Austin, from Legend's Way Development Company, a Texas General Partnership, for the purpose of constructing a new substation to serve a growing service area, in an amount not to exceed \$1,000,000.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the fee simple acquisition of land was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
3. Authorize negotiation and execution of a two-year Interlocal Agreement with the University of Texas for consulting services regarding characterization of the influent to the City's wastewater treatment plants for a total amount not to exceed \$135,000.
The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

Items 4 and 5 were pulled for discussion.

6. Authorize execution of a construction contract with KST ELECTRIC, LTD., for the Hornsby Bend SCADA Improvements ReBid in an amount not to exceed \$631,848, plus a \$63,184 contingency, for a total contract amount not to exceed \$695,032. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.74% MBE and 5.26% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with KST Electric, Ltd. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
7. Authorize execution of a construction contract with FORSYTHE BROTHERS INFRASTRUCTURE, LLC, for Lower Shoal Creek 5th to Lady Bird Lake Stream Restoration (Shoal Creek Peninsula Restoration) in an amount of \$973,892.85 plus a \$97,389 contingency for a total amount not to exceed \$1,071,281.85. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 17.47% MBE and 1.89% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Forsythe Brothers Infrastructure, LLC was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
8. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC. for the Barton Springs Bypass Tunnel and Downstream Dam Repair and Rehabilitation project in the amount of \$2,888,769.25 plus a \$433,315.39 contingency, for a total contract amount not to exceed \$3,322,084.64.(Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 7.51% MBE and 1.74% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Jay-Reese Contractors, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
9. Authorize execution of change order #8 to the construction contract with RGM CONSTRUCTORS, LP, for the Group 30 Street Reconstruction: Oltorf Street East Congress Avenue to Interstate Highway 35, an ACCELERATE AUSTIN PROJECT, in the amount of \$568,558.65, plus \$91,435.93 additional contingency, for a total contract amount not to exceed \$4,448,989.71. (Notes: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program) with 29.01% MBE and 5.51% WBE subcontractor participation to date.)
The motion authorizing the execution of change order number eight to the construction contract with RGM Constructors, LP was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
10. Authorize execution of change order #2 to the construction contract with MCLEAN CONSTRUCTION, INC., for Airport at Chesterfield Wastewater Improvements in an amount of \$942,071.13 for a total contract amount not to exceed \$7,120,709.13. (Notes: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 26.12% MBE and 6.71% WBE subcontractor participation to date.)
The motion authorizing the execution of change order number two to the construction contract with McLean Construction, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

Item 11 was pulled for discussion.

12. Authorize negotiation and execution of a design agreement with Acconci Studio Inc., in an amount not to exceed \$140,000, for artwork for the Consolidated Rental Car Facility at Austin-Bergstrom International Airport.
The motion authorizing the negotiation and execution of a design agreement with Acconci Studio Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
13. Approve the 2012 General Obligation Bond Sale Schedule not to exceed \$85,630,000 in Public Improvement Bonds, \$25,890,000 in Certificates of Obligation and \$29,680,000 in Contractual Obligations.
The motion to approve the 2012 general obligation bond sale schedule was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
14. Authorize execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES to purchase human immunodeficiency virus medication for eligible clients under the City's Ryan White Part A HIV Emergency Relief Project Services grant for a seven-month term from August 1, 2012 through February 28, 2013 in an amount not to exceed \$400,000.
The motion authorizing the execution of an interlocal agreement with the Texas Department of State Health Services was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
15. Approve an ordinance accepting grant funds in the amount of \$1,026,158 from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, Patient Protection and Affordable Care Act 2010, Public Prevention Health Fund: Community Transformation Grant Year 2 and amending the Fiscal Year 2011-2012 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-05) to appropriate \$1,026,158 for Year 2 grant period September 30, 2012 through September 29, 2013, to implement evidence-based community, systems, environmental, programmatic and infrastructure changes that address tobacco-free living, active living and healthy eating, increased use of high impact quality clinical preventive services, and healthy and safe physical environments.
Ordinance No. 20120816-015 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

Item 16 was pulled to be heard after the staff presentation.

17. Approve an ordinance amending Ordinance No. 20120802-013, calling the November 2012 special election to be held on November 6, 2012, providing for the conduct of the election and authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election, setting the ballot order for the propositions to be presented to the voters, finalizing the wording of the propositions, and declaring an emergency.
This item was withdrawn on consent because it was approved earlier this week on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
18. Approve an ordinance placing a charter amendment on the November 2012 ballot to provide conditions under which the city council may sell or lease any substantial part of the facilities of a municipal utility.
This item was withdrawn on consent because it was approved earlier this week on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
19. Approve an ordinance placing a charter amendment on the November 2012 ballot to authorize the city council to create an independent board to oversee city owned utilities.

This item was withdrawn on consent because it was approved earlier this week on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

Item 20 was pulled for discussion.

21. Authorize repayment to the United States Department of Housing and Urban Development in the amount of \$204,472 for the acquisition and property management of the following addresses: 1120 East 12th Street, and 1322 - 1336 East 12th Street.
The motion authorizing the repayment to the United States Department of Housing and Urban Development in the amount of \$204,472 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
22. Authorize the negotiation and execution of a 24-month lease renewal for 7,675 square feet of retail, office and storage space for the Book Sales Program of the Austin Public Library Department, located at 5335 Burnet Road, from PAJO PROPERTIES, Ltd., Georgetown, Texas, in an amount not to exceed \$276,607.
The motion authorizing the negotiation and execution of a lease renewal from Pajo Properties, Ltd. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
23. Authorize the negotiation and execution of a 12-month lease renewal for 2.52 acres of land and 3,000 square feet of office and warehouse improvements for the Watershed Protection Department, Pond Maintenance Program located at 5109 E. Ben White, from 5005 B.W. LP, Austin, Texas, in an amount not to exceed \$58,000.
The motion authorizing the negotiation and execution of a lease renewal was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
24. Authorize the negotiation and execution of a 60-month lease renewal for 3,785 square feet of office space for the South Austin Substation Division of the Municipal Court Department located at 5738 Manchaca Road, Suite 17 from CHERRY CREEK PLAZA PARTNERSHIP LTD., Austin Texas, in an amount not to exceed \$302,800.
The motion authorizing the negotiation and execution of a lease renewal from Cherry Creek Plaza Partnership Ltd. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
25. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire a temporary access easement of 9,328 square feet of land and a temporary construction easement of 595,590 square feet of land for the Harris Branch Interceptor Lower B Project, situated out of the James Manor Survey No. 40, Abstract No. 546, the James Gilleland Survey No. 41, Abstract No. 305, and the Josiah Wilbarger Survey No. 42, Abstract No. 794 in Travis County, Texas, located at east Parmer and Hill Lane, in Austin, Texas, from THE BUTLER FAMILY PARTNERSHIP, LTD., A TEXAS LIMITED PARTNERSHIP, in an amount not to exceed \$259,624.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire a temporary access easement from The Butler Family Partnership, Ltd., a Texas Limited Partnership, was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
26. Authorize the negotiation and execution of a month-to-month lease renewal with funding authorization for up to 24 months for 700 square feet of climate-controlled storage space for the Austin Water Utility, located at 1213 W. 6th Street, from PUBLIC STORAGE INC., Austin, Texas, in an amount not to exceed \$22,728.

The motion authorizing the negotiation and execution of a lease renewal from Public Storage Inc was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

27. Approve the negotiation and execution of an amendment to the Decker Lake Road Extension Interlocal Cooperation Agreement between the City of Austin and Travis County to authorize payment to Travis County in the amount of \$506,869 for extra road depth on Decker Lake Road as part of the construction of Decker Lake Road from FM 973 to State Highway 130.
The motion authorizing the negotiation and execution of an amendment to the Decker Lake Road Extension interlocal cooperation agreement between the City of Austin and Travis County was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
28. Authorize the execution of an interlocal agreement between the City of Austin and Capital Metropolitan Transit Authority to provide funding in an amount not to exceed \$50,000 for the construction of secure bicycle parking facilities at Austin transit facilities.
The motion authorizing the execution of an interlocal agreement between the City of Austin and Capital Metropolitan Transit Authority was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
29. Authorize award and execution of a contract with AUSTIN GENERATOR SERVICE for the purchase and installation of an emergency generator at the Guildford Pump Station for the Austin Water Utility in an amount not to exceed \$70,950.(Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)
The motion authorizing the award and execution of a contract with Austin Generator Service was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
30. Authorize award, negotiation and execution of a contract with PERISCOPE HOLDINGS, INC., for development of commodity codes data cross-walks for the Public Works Department in an amount not to exceed \$89,975. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a contract with Periscope Holdings, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
31. Authorize award and execution of a 24-month requirements service contract with WASTEWATER TRANSPORT SERVICES, LLC, to provide emergency response for sludge and sewage pumping, hauling, and disposal services for the Austin Water Utility in an estimated amount not to exceed \$400,000, with one 24-month extension option in an estimated amount not to exceed \$400,000 for a total estimated contract amount not to exceed \$800,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements service contract with Wastewater Transport Services, LLC was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
32. Authorize award and execution of a contract with SOLAR COMMUNITY, or one of the other qualified offerors to RFP No. TVN0023, for the installation of a solar photovoltaic system at the Palmer Events Center in an estimated amount not to exceed \$500,114. (Notes: This contract will be awarded in

compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Solar Community was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

33. Authorize award and execution of an one-year contract through the COUNCIL ON COMPETITIVE GOVERNMENT with WEST PUBLISHING CORPORATION for computer assisted legal and investigative research services, for the period September 1, 2012 - August 31, 2013, in an amount not to exceed \$63,912, with two 12-month extension options in an amount not to exceed \$65,832 for the first extension option and \$67,800 for the second extension option, for a total contract amount not to exceed \$197,544. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a contract through the Council on Competitive Government with West Publishing Corporation was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

34. Authorize award, negotiation, and execution of a 24-month requirements service contract with PIKE ELECTRIC, INC. for the purchase of equipment installation and maintenance services at Austin Energy substations in an estimated amount not to exceed \$1,000,000, with three 12-month extension options in an estimated amount not to exceed \$500,000 per extension option, for a total estimated contract amount not to exceed \$2,500,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of a requirements service contract with Pike Electric, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

35. Authorize award and execution of Amendment No. 1 to contracts through the State of Texas Procurement and Support Services Cooperative Program (TPASS) Cooperative Purchasing with XEROX CORPORATION and CANON USA, INC., to add two 12-month extension options for the rental of multi-function document imaging machines for various City departments, including copy charges and related services, in an amount not to exceed \$960,651 for each extension option, for a total revised contract amount not to exceed \$2,750,388. (Notes: The Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of amendment number one to contracts through the State of Texas Procurement and Support Services Cooperative Program (TPASS) Cooperative Purchasing with Xerox Corporation and Canon USA, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

36. Authorize award and execution of a contract with AVO MULTI-AMP CORP. dba MEGGER for the purchase of relay test sets for Austin Energy in an amount not to exceed \$80,750. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Avo Multi-Amp Corp. doing business as Megger was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

37. Authorize award, negotiation, and execution of a 24-month requirements service contract with PIKE ELECTRIC, INC. and DASHIELL CORPORATION for the purchase of relay installation, maintenance and testing services at Austin Energy substations in an estimated amount not to exceed \$1,000,000 each and combined, with three 12-month extension options in an estimated amount not to exceed \$500,000 each and combined per extension option, for a total estimated contract amount not to exceed \$2,500,000 each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements service contract with Pike Electric, Inc. and Dashiell Corporation was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
38. Authorize award, negotiation, and execution of a 60-month requirements service contract with AAR INC. and SISK-ROBB INC. or one of the other qualified offerors to RFP No. DKC0040 to provide asbestos, lead, and mold abatement services for Austin Energy in an estimated amount not to exceed \$3,500,000, each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements service contract with AAR Inc. and Sisk-Robb Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
39. Authorize award and execution of Amendment No. 1 to a contract with SUSTAINABLE FOOD CENTER, dba AUSTIN COMMUNITY GARDENS, to provide healthy food initiatives for the Health and Human Services Department, to extend the contract for four 12-month extension options in an amount not to exceed \$50,000 per extension option, for a revised total estimated contract amount not to exceed \$250,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a amendment number one to a contract with Sustainable Food Center doing business as Austin Community Gardens was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
40. Authorize award, negotiation, and execution of Amendment No. 1 to contract through the State of Texas Department of Information Resources cooperative purchasing program with VERDTEK, LLC (MBE/FH) to enable the City to provide staffing for information security analyst work to allow city personnel to address City of Austin and Travis County compliance with Criminal Justice Information Systems (CJIS) regulations in an estimated amount not to exceed \$154,000, for a total estimated contract amount not to exceed \$584,000. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award, negotiation and execution of amendment number one to a contract through the State of Texas Department of Information Resources cooperative purchasing program with Verdtek, LLC was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

41. Authorize award, negotiation, and execution of a 12-month requirements service contract with TITUS ELECTRICAL CONTRACTING, LP or the other qualified respondent to RFP BKH0151 to provide uninterruptible power supply (UPS) installation services at City IT facilities for the Communications Technology Management Department in an estimated amount not to exceed \$750,000, with four 12-month extension options in an estimated amount not to exceed \$750,000 for each option, for a total estimated contract amount not to exceed \$3,750,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements service contract with Titus Electrical Contracting, LP was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
42. Authorize award, negotiation, and execution of a professional services contract with BIKE SHARE OF AUSTIN, to implement the Bike Share Program for the Public Works Department, for a total estimated contract amount not to exceed \$100,000. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
This item was withdrawn on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
43. Authorize award and execution of a one time purchase with SATELLITE SHELTERS, INC., to provide portable office trailers for the Public Works Department, in an amount not to exceed \$122,606. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a one time purchase with Satellite Shelters, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
44. Authorize award and execution of a 36-month requirements supply contract through the Texas Local Government Purchasing Cooperative (BUYBOARD) purchasing program with SOUTHERN ALUMINUM MANUFACTURING, INC. for the purchase of stackable folding tables for the Austin Convention Center Department (ACCD) in an estimated amount not to exceed \$980,838.24. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award and execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Southern Aluminum Manufacturing, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
45. Authorize execution of a 36-month requirements service contract with ARAG SERVICES LLC., to provide group pre-paid legal services in an estimated amount not to exceed \$2,301,000 with three 12-month extension options in the estimated amount not to exceed \$951,000 for the first option, \$1,099,000 for the second option and \$1,270,000 for the third option, for a total estimated contract amount not to exceed \$5,621,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the execution of a requirements service contract with ARAG Services LLC was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

46. Authorize award, negotiation and execution of a 12-month requirements services contract with UNITED HEALTHCARE INSURANCE COMPANY, or one of the other qualified offerors to RFP No. JSD0120, for self-funded medical program administration, stop-loss insurance coverage and pharmacy benefit management (PBM) services in an estimated amount not to exceed \$8,763,000 with five 12-month extension options in estimated amounts not to exceed \$9,993,000 for the first extension option, \$11,504,000 for the second extension option, \$13,380,000 for the third extension option, \$15,735,000 for the fourth extension option, and \$18,721,000 for the fifth extension option, for a total estimated contract amount not to exceed \$78,096,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) **The motion authorizing the award, negotiation and execution of a requirements services contract with United HealthCare Insurance Company was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.**
47. Authorize award and execution of a 36-month requirements service contract with FACILITY SOLUTIONS GROUP, INC. to provide electrical repairs and related services for various City Departments in an estimated amount not to exceed \$720,000, with three 12-month extension options in estimated amounts not to exceed \$240,000 per extension option, for a total estimated contract amount not to exceed \$1,440,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) **The motion authorizing the award and execution of a requirements service contract with Facility Solutions Group, Inc. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.**
48. Authorize award and execution of a 36-month requirements supply contract with F. J. TURNER COMPANY, for the purchase of manhole extension rings and risers for the Austin Water Utility in an estimated amount not to exceed \$408,900 with one 36-month extension option in the estimated amount not to exceed \$408,900, for a total estimated contract amount not to exceed \$817,800. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.) **The motion authorizing the award and execution of a requirements supply contract with F. J. Turner Company was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.**
49. Authorize award and execution of two contracts through the Houston-Galveston Area Council of Governments with MENZI USA SALES, INC., for the purchase of a walking excavator in an amount not to exceed \$322,522 and with SANTEX TRUCK CENTERS, LTD for seventeen truck chassis in an amount not to exceed \$2,204,812 for various City departments. (Notes: These contracts will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). These contracts are Cooperative Purchases; therefore, they are exempted under Chapter 791 of the Texas Local Government Code and no goals were established for these solicitations.) **The motion authorizing the award and execution of two contracts through the Houston-Galveston Area Council of Government with Menzi USA Sales, Inc. and Santex Truck Centers, Ltd. was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.**

- 50. Approve an ordinance amending Section 12-4-64 (D) of the City Code to establish maximum speed limits of 35 and 40 miles per hour on sections of Convict Hill Road from Brodie Lane to U.S. 290.
Ordinance No. 20120816-050 was approved on consent on Council Member Martinez’ motion, Council Member Riley’s second on a 6-0 vote. Council Member Spelman was absent.
- 51. Authorize the negotiation and execution of a Construction and Maintenance Agreement between the City of Austin and the Union Pacific Railroad to establish the South Austin Quiet Zone Project in an amount not to exceed \$1,211,304.
The motion authorizing the negotiation and execution of a construction and maintenance agreement between the City of Austin and the Union Pacific Railroad was approved on consent on Council Member Martinez’ motion, Council Member Riley’s second on a 6-0 vote. Council Member Spelman was absent.

Item 52 was pulled for discussion.

- 53. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on consent on Council Member Martinez’ motion, Council Member Riley’s second on a 6-0 vote. Council Member Spelman was absent.

Nominations

Board/Nominee

Nominated by

African American Resource Advisory Commission

Sherry Cherry
Greg Smith

Council Member Spelman
Mayor Pro Tem Cole

Animal Advisory Commission

Emily Phillips
Larry Tucker

Council Member Spelman
Council Member Morrison

Arts Commission

Scott Daigle

Council Member Spelman

Austin Airport Advisory Commission

George Farris

Council Member Spelman

Board of Adjustment/Sign Review Board

Bryan King

Council Member Tovo

Bond Oversight Committee

Moses Garcia

Council Member Spelman

Building and Fire Code Board of Appeals

Frank Haught

Council Member Spelman

Building and Standards Commission

Charles Cloutman

Council Member Morrison

Commission for Women

Julia Cuba

Council Member Spelman

Community Development Commission

John Limon
Cassandra Taylor

Mayor Leffingwell
Council Member Spelman

Construction Advisory Committee

Eddie Hurst, Jr.

Council Member Spelman

Design Commission

Hope Hasbrouck
James Shieh

Council Member Spelman
Mayor Leffingwell

Downtown Austin Community Court Advisory Committee

Tim Miles

Council Member Spelman

Downtown Commission

Tina Fernandez
Joel Sher

Council Member Spelman
Mayor Pro Tem Cole

Early Childhood Council

Avis Wallace – pending MPT confirmation

Mayor Pro Tem Cole

Electric Board

Christian Wagner

Council Member Spelman

Environmental Board

Robin Gary

Council Member Spelman

Ethics Review Commission

James Sassin

Council Member Spelman

Historic Landmark Commission

Dan Leary

Mayor Leffingwell

Human Rights Commission

Tom Davis

Council Member Spelman

Impact Fee Advisory Committee

Dick Kallerman

Council Member Spelman

Lake Austin Task Force

William Moriarty (Water and Wastewater Commission representative)

Library Commission

Olga Wise

Council Member Spelman

MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee

Anne Harutunian
Andy Ramirez

Council Member Spelman
Mayor Leffingwell

Mechanical, Plumbing and Solar Board

Paul Hovey

Council Member Spelman

Mexican American Cultural Center Advisory Board
Juan Oyervides

Mayor Leffingwell

Parks and Recreation Board
Jeff Francell

Council Member Spelman

Planning Commission
Myron Smith

Council Member Morrison

Public Safety Commission
Kim Rossmo

Council Member Spelman

Resource Management Commission
Sean Kelly

Council Member Spelman

Sustainable Food Policy Board
Mary Teeters
Toni Tipton-Martin

Council Member Spelman
Mayor Pro Tem Cole

Urban Forestry Board
Dr. Tom Hayes

Council Member Spelman

Urban Transportation Commission
Sheila Holbrook-White

Council Member Spelman

Waterfront Planning Advisory Board
Robert Pilgrim

Council Member Spelman

Zoning and Platting Commission
Patricia Seeger

Council Member Spelman

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Melvin White’s service on the Austin Community Technology and Telecommunications Commission.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Calvin Williams and Eddie Hurst, Jr. on the Construction Advisory Committee.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Ronny Williams’ service on the Electric Board.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Anne Harutunian’s service on the MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Thomas Combs and Paul Hovey on the Mechanical, Plumbing and Solar Board.

Approve a waiver of simultaneous service on more than one City-established board as provided in Section 2-1-21 of the City Code for Brian Roark’s service on the Lake Austin Task Force.

54. Approve an ordinance repealing and replacing Chapter 4-6 of the City Code regarding pawnshops and dealers in secondhand goods. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman)
This item was postponed to September 27, 2012 on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
55. Approve a resolution directing the Resource Management Commission to create a work plan for a public stakeholder process to develop and provide recommendations to Council for a comprehensive energy efficiency plan. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)
This item was postponed to August 23, 2012 on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

Items 56 and 57 were pulled for discussion.

58. Approve a resolution encouraging the City Manager to amend the Parks and Recreation Department policy regarding rental of Auditorium Shores to allow for the Formula Fest two-day concert in the 2012 calendar year. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)
This item was withdrawn on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
59. Approve a resolution directing the City Manager to enter into discussions with Travis County to explore the possibility of expanding the shelter for women and families on property owned by Travis County.
Resolution No. 20120816-059 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
60. Approve a resolution directing the City Manager to support the Design Commission in developing a set of guidelines for City infrastructure projects. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley)
Resolution No. 20120816-060 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
61. Approve a resolution directing the City Manager to collaborate with the City of Austin Arts Commission to develop a consistent and efficient artwork donation policy that enables the City to respond to artwork donations or loan requests in a centralized way. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20120816-061 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
62. Approve an ordinance waiving certain fees for the annual meeting of the Heritage Society of Austin which is to be held Wednesday, August 29, 2012 at George Washington Carver Museum and Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Kathie Tovo)
Ordinance No. 20120816-062 was approved on consent on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.
63. Set a Public Hearing to receive public comment on the City of Austin Fiscal Year 2012-2013 Proposed Budget. (Suggested date and time: August 30, 2012, 10:00 a.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 30, 2012 at 10:00 a.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was absent.

64. Set a Public Hearing to receive public comment on the proposed rate and fee changes for Austin Energy as part of the Fiscal Year 2012-2013 Proposed Budget. (Suggested date and time: August 23, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for August 23, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez’ motion, Council Member Riley’s second on a 6-0 vote. Council Member Spelman was absent.

89. Set a public hearing to consider an interim city consent agreement for the creation of the Rio de Vida Municipal Utility District ("MUD"). (Suggested date and time: August 23, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set on consent for August 23, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez’ motion, Council Member Riley’s second on a 6-0 vote. Council Member Spelman was absent.

Item 65 was a briefing item set for 10:30 a.m.

Items 66 through 70 were Executive Session items.

Items 71 through 85 were zoning items set for 2:00 p.m.

Items 86 through 88 were public hearing items set for 4:00 p.m.

BRIEFINGS

65. Annual Update on the City of Austin and Lower Colorado River Authority Water Partnership
The presentation was made by Greg Meszaros, Director of Austin Water Utility.

DISCUSSION ITEMS

57. Approve a resolution encouraging the City Manager to negotiate and execute an agreement with C3 Presents regarding an additional weekend event for the Austin City Limits Music Festival including use, maintenance, and improvements to Zilker Park and Auditorium Shores; designation of number of days; and appropriate allocation of rental fees. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)

Resolution No. 20120816-057 was approved with the following amendment and friendly amendment on Council Member Martinez’ motion, Mayor Leffingwell’s second on a 6-0 vote. Council Member Spelman was absent. The amendment was to remove the second BE IT FURTHER RESOLVED from the resolution.

There was a friendly amendment made by Council Member Tovo to add:

“WHEREAS, C3 Presents has been working with community groups and neighborhood associations to collaborate on solutions for mitigating the impacts of the Austin City Limits Music Festival on surrounding residents and businesses;

BE IT FURTHER RESOLVED: The City Manager is encouraged to ensure that any resulting agreement reflects stakeholders’ input to the greatest extent practicable;

BE IT FURTHER RESOLVED: The City Manager is encouraged to work with C3 Presents to ensure that the Sustainable Food Center’s Austin Farmers’ Market Downtown can remain open during both weekends of Austin City Limits and to explore strategies for improving access to parking and Republic Square for market vendors and customers.”

The amendment was accepted by the maker of the motion and Mayor Leffingwell who made the second.

16. Approve a settlement in Ronnie R. Esparza v. City of Austin, Cause No. GN-04-003491, in the 250th District Court, Travis County, Texas.
The motion to settle the above referenced lawsuit with the following conditions was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was absent. The settlement includes: the City will pay \$104,200 to Ronnie R. Esparza from the City's liability reserve fund. The third party administrator for the City's workers' compensation claims will pay approximately \$15,520 to resolve the separate workers' compensation appeal filed by Mr. Esparza. In exchange, Mr. Esparza will dismiss both of his lawsuits against the City of Austin with prejudice to re-filing. The parties will mutually release one another from any claims that could or would have been asserted in the two lawsuits.
11. Authorize the negotiation and execution of a professional services agreement with BRANDSTETTER CARROLL, INC., or one of the other qualified responders to RFQ Solicitation No. CLMP101A, to provide professional services for the Aquatic Facilities Strategic Master Plan project with an amount not to exceed \$250,000.
The motion authorizing the negotiation of a professional services agreement with Brandstetter Carroll, Inc. was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.
52. Approve a resolution expressing the City's consent, as required by Internal Revenue Code Section 147(f), to Newark Cultural Education Facilities Finance Corporation's loan to the Regents School of Austin, Inc. in an amount not to exceed \$14,000,000 to (i) finance costs of constructing and equipping an approximately 68,000 square foot high school, multi-purpose athletic field, campus floodplain corrections, parking lot improvements and related facilities located at 3230 Travis Country Circle, Austin; and (ii) pay certain expenses connected to the issuance of the loan.
There was a motion made by Council Member Morrison and seconded by Council Member Tovo to deny the resolution.

The substitute motion to adopt Resolution No. 20120816-052 was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Riley. Those voting nay were: Council Members Morrison and Tovo. Council Member Spelman was absent.
56. Approve a resolution directing the City Manager to work with stakeholders to designate a process whereby non-partisan, deputized registrars may register people to vote on parkland and other public spaces where special events are taking place. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Mayor Pro Tem Sheryl Cole)
Resolution No. 20120816-056 was approved on Council Member Martinez' motion, Council Member Tovo's second on a 6-0 vote. Council Member Spelman was absent.
4. Approve an ordinance amending Chapter 6-4 of City Code relating to water use management. Related to Item #5.
Ordinance No. 20120816-004 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.
5. Approve a resolution repealing Resolution No. 20090423-002 and adopting the new Drought Contingency Plan for Retail & Wholesale Public Water Suppliers. Related to Item #4.
Resolution No. 20120816-005 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.

CITIZEN COMMUNICATIONS: GENERAL

Pat Valls-Trelles - Animal issues

Will McLeod - London calling & TBD

Tara Stermer - Animal shelter

Gavino Fernandez, Jr. - Austin City Council accelerates the genocide of Mexican-American and African-American people from East Austin through their increase of property taxes and change in zoning land use policies. Don't mess with 10-1 district plan.

Alan Roddy - Deferred Comp 457 Plan

John Koohyun Kim - Austin City Mayors Homeland Security protection of Texas citizens.

Jose Quintero- Agenda 21- gentrification and APD profiling minority groups.

Rae Nadler-Olenick - Water Fluoridation

Joseph Iley - TDAA - Yellow Cab permits and their failure to comply with City code after 5 months

Paul Robbins - City issues

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:43 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

66. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
67. Discuss legal issues related to Chapter 245 of the Local Government Code and related provisions of City Code Chapter 25-1, Article 12 (Project Duration) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
68. Discuss legal issues relating to the November 6, 2012 election (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
69. Discuss legal issues related to SOAH Docket No. 582-09-1617, TCEQ Docket No. 2008-1858-MWD, Application of Jeremiah Venture, LP for a new TLAP permit No. WQ0014785001 (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
70. Evaluate the performance of and consider the compensation and benefits for the City Manager (Personnel Matters Section 551.074)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 5:10 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

86. Conduct a public hearing and consider a resolution regarding a request by Speedy Shop Food Store #409, located at 6707 Cameron Rd., for a waiver from the distance requirement of City Code Section 4-9-4 which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.
This item was withdrawn at the applicant's request on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.
88. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 (Zoning) to create the Central Austin - University Area Zoning Overlay District (CAUA) in which a group residential land use is a conditional use in the multi-family residence moderate-high density (MF-4) base zoning district.
This item was postponed to September 27, 2012 on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 6-0 vote.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

73. NPA-2012-0013.02 - 900 South 1st Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 900, 904 and 908 South 2nd Street, and 1000 and 1002 South 2nd Street, 705 Christopher Street and unaddressed Christopher Street (Lots 4-7, Block 2, Oak Cliff Addition, 0.553 acres) (East Bouldin Creek Watershed) from Single Family land use and Mixed Use land use to Higher Density Single Family land use. Staff Recommendation: To deny Higher Density Single Family land use. Planning Commission Recommendation: To be reviewed on September 11, 2012. Owner/Applicant: Margaret C. Quadlander. Agent: PSW Homes, L.L.C. (J. Ryan Diependrock). City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Tovo recused herself. Council Member Spelman was absent.
74. C14-2012-0031 - 900 S. 1st (Part 1) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900-908 South 2nd Street and unaddressed Christopher Street (Lots 4-7, Block 2, Oak Cliff Addition, 0.553 acres) (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To deny townhouse and condominium residence-neighborhood plan (SF-6-NP) district zoning. Planning Commission Recommendation: To be reviewed on September 11, 2012. Owner/Applicant: Margaret C. Quadlander. Agent: PSW Homes, LLC (J. Ryan Diepenbrock). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Tovo recused herself. Council Member Spelman was absent.
75. C14-2012-0033 - 900 S. 1st (Part 2) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1000-1002 South 2nd Street and 705 Christopher Street (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To deny townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Planning Commission

Recommendation: To be reviewed on September 11, 2012. Owner/Applicant: Margaret C. Quadlander. Agent: PSW Homes, LLC (J. Ryan Diepenbrock). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Tovo recused herself. Council Member Spelman was absent.

76. NPA-2012-0019.04 - Austin Vintage Guitars - Conduct a public hearing and approve an ordinance amending Ordinance No. 20040826-056, the Central Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 4306 Red River Street (Waller Creek Watershed) from Mixed Use/Office land use to Neighborhood Mixed Use land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant Neighborhood Mixed Use land use. Owner: The Estate of Paul E. Green, Paula Johnson, Executrix. Agent: Robin McCall Company (for Steven and Leslie Fulton). City Staff: Maureen Meredith, 974-2695.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120816-076 to change the land use designation on the future land use map (FLUM) to Neighborhood Mixed Use was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.
77. C14-2012-0065 - Austin Vintage Guitars - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4306 Red River Street (Waller Creek Watershed) from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Applicant: Paula Green. Agent: Robin McCall Company (Robin McCall). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120816-077 for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.
78. C14-2012-0062 - The Marchesa Hall & Theater - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6404 North IH-35 Service Road Southbound, Suite 3100 (Tannehill Branch Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to commercial liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Staff Recommendation: To grant commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: Wells Fargo Bank, N.A. (Joseph Akers). Agent: Jackson Walker, L.L.P., (Katherine Loayza). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120816-078 for commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.
79. C14-2012-0028 - 3rd & Colorado - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 and 311 Colorado Street and 114 West 3rd Street (Town Lake Watershed) from central business district-central urban redevelopment district (CBD-CURE) combining district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning. Staff

Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Winstead, P.C. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning with the following additional modifications requested by the applicant and recommended by staff was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent. The additional modifications were:

- **Reduce the minimum number of off-street loading spaces from three to two; and**
- **Allow a curb cut for a garage access to have a width of 36 feet.**

80. C14-2008-0159(RCA) - 3rd & Colorado - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 and 311 Colorado Street, and 114 West 3rd Street (Town Lake Watershed) to amend a portion of the Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Planning Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Winstead, P.C. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to October 11, 2012 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.

81. C14-2012-0074 - Zilk's - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1807 West Slaughter Lane (Slaughter Creek Watershed) from community commercial (GR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To approve limited industrial services-conditional overlay combining (LI-CO) district zoning. Owner/Applicant: BB Retail South, LP (Jimmy J. Nassour). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120816-081 for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.

82. C14-2012-0049 - 2104 W. Ben White Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2104 West Ben White Boulevard Westbound (Williamson Creek Watershed) from family residence (SF-3) zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district zoning. Owner/Applicant: Curtis & Terry Sutherland (Robert Fien). City Staff: Heather Chaffin, 974-2122.

This item was postponed on consent to November 8, 2012 at the applicant's request on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.

83. C14-04-0181.SH(RCA) - Shire's Court - Conduct a public hearing to amend a restrictive covenant for the property locally known as 1910 1/2 Wickshire Lane (Country Club East Creek Watershed). Staff

Recommendation: Pending. Planning Commission Recommendation: To be reviewed on September 11, 2012. Owner/Applicant: Shire's Court, Ltd. et al. (David Mahn). Agent: Benchmark Development (Myra Goepp). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to September 27, 2012 at the staff's request on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.

84. C14-2012-0059 - Lot 2, Block Y Circle C Phase B Section Nineteen - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10407-1/2 Dahlgreen Avenue (Slaughter Creek Watershed-Barton Springs Zone) from community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: Circle C Land Corp. (Dave Ruehlman). Agent: Murfee Engineering Company, Inc. (Ronée Gilbert). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120816-084 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, to change a condition of zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.

85. C14-2012-0063 - Christian Life Austin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700 West Gate Boulevard and 4701 Sunset Trail (Williamson Creek Watershed) from single family residence-standard lot (SF-2) district zoning, single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning, multi-family residence-low density (MF-2) district zoning, and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Owner/Applicant: Christian Life Church of Austin (Josh Reynolds). Agent: Enabler Design (DeVon Wood). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to September 27, 2012 on consent at the applicant's request on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.

Mayor Leffingwell recessed the Council Meeting at 5:38 p.m.

LIVE MUSIC

M.O.V.E. (Music Outreach Volunteer Entertainers)

PROCLAMATIONS

Mayor Leffingwell called the Council Meeting back to order at 6:43 p.m.

DISCUSSION ITEM CONTINUED

20. Approve an ordinance amending the order calling the November 6, 2012 Special Election to provide for general obligation bond propositions, and declaring an emergency.

The motion to approve the second reading of the ordinance as passed on Wednesday was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez and Riley. Those voting nay were: Council Members Morrison and Tovo.

The motion from Council Member Martinez to reduce the Recreation Facilities by \$3 million and the Land Acquisition by \$2 million and increase the Mexic-Arte by \$5 million failed on a 3 to 3 vote. Those voting aye were Mayor Leffingwell and Council Members Martinez and Riley. Those voting nay were: Mayor Pro Tem Cole and Council Members Morrison and Tovo. Council Member Spelman was absent.

The motion from Council Member Martinez to reduce the Recreation Facilities by \$3 million and the Land Acquisitions by \$1.7 million and increase the land acquisition and design for the fire station on 360 by \$4.7 million failed on a 2 to 4 vote. Those voting aye were: Mayor Leffingwell and Council Member Martinez. Those voting nay were: Mayor Pro Tem Cole and Council Members Morrison, Riley and Tovo. Council Member Spelman was absent.

The motion from Council Member Morrison to increase the Neighborhood Plan Parks Improvements and Open Space Program by \$1 million, Neighborhood Parks by \$1 million, and funding for Mexicarte by \$.5 million and reduce the Emmet Shelton Bridge by \$2.5 million failed on a 2-4 vote. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez and Riley. Council Member Spelman was absent.

The motion from Council Member Tovo to reduce the Design for New Projects by \$3.5 million and the Barton Springs Bathhouse by \$2 million and add \$1 million for Mexic-Arte and \$4.5 million for land acquisition and design for 360 fire station failed on a 2-4 vote. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez and Riley. Council Member Spelman was absent.

The motion from Mayor Pro Tem Cole to reduce the Barton Spring Bathhouse by \$1 million and to add \$1 million to Mexic-Arte failed on a 3-3 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell and Council Members Martinez and Riley. Council Member Spelman was absent.

The motion from Council Member Morrison to reduce Barton Springs Bathhouse by \$2 million and add \$2 million for the 360 fire station land acquisition and design failed on a 2-4 vote. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Riley.

The motion from Council Member Martinez to reduce Open Space Acquisition by \$4.7 million and add \$4.7 million to the land acquisition and design for the 360 fire station failed on a 1-5 vote. Council Member Martinez voted aye. Council Member Spelman was absent.

There was a motion made by Mayor Pro Tem Cole to reconsider this item. The motion failed for lack of a second

ZONING DISCUSSION ITEMS

71. NPA-2012-0013.01 - 603 West Johanna Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 603 West Johanna Street (East Bouldin Creek Watershed) from Single Family

land use to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To deny Mixed Use land use. Owner/Applicant: Jose Linares. Agent: Moncada Consulting (Phil Moncada). City Staff: Maureen Meredith, 974-2695.

There was a motion made by Council Member Martinez and seconded by Council Member Riley to postpone this item to August 23, 2012. The motion failed on a vote of 2-4. Those voting aye were: Mayor Leffingwell and Council Member Martinez. Those voting nay were: Mayor Pro Tem Cole, Council Members Morrison, Riley and Tovo. Council Member Spelman was absent.

The public hearing was conducted and the motion to close the public hearing and deny the request to change the land use designation was approved on Council Member Tovo's motion, Mayor Pro Tem Cole's second on a 6-0 vote.

72. C14-2012-0021 - Polvo's Parking Offsite - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 603 West Johanna Street (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Staff Recommendation: To deny neighborhood office-mixed use-neighborhood plan combining (NO-MU-NP) district zoning. Planning Commission Recommendation: To deny neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Owner/Applicant: Jose Linares. Agent: Moncada Consulting (Phil Moncada). City Staff: Sherri Sirwaitis, 974-3057.

There was a motion made by Council Member Martinez and seconded by Council Member Riley to postpone this item to August 23, 2012. The motion failed on a vote of 2-4. Those voting aye were: Mayor Leffingwell and Council Member Martinez. Those voting nay were: Mayor Pro Tem Cole, Council Members Morrison, Riley and Tovo. Council Member Spelman was absent.

The public hearing was conducted and the motion to close the public hearing and deny the zoning request was approved on Council Member Tovo's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

87. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owner, Julia Schneider, to convert a portion of the existing garage into a bedroom and a pantry room area at the single-family house at 200 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek.

The public hearing was conducted and the motion to close the public hearing and deny the variance request was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was absent.

Mayor Leffingwell adjourned the meeting at 8:53 p.m. without objection.

The minutes were approved on this the 23rd day of August, 2012 on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was absent.

The minutes were approved on this the 23rd day of August, 2012 on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was absent.